

Court of Appeals, State of Michigan

ORDER

New Properties Inc v George D Newpower Jr Inc

Docket No. 259932

LC No. 97-015769-CH

Peter D. O'Connell
Presiding Judge

E. Thomas Fitzgerald

Patrick M. Meter
Judges

The Court orders that the motion to order Court Reporter Anne M. Larson (R 2503) to show cause is GRANTED. MCR 7.210(B)(3)(a) provides that a court reporter is to furnish a certificate stating that the transcript has been ordered and payment secured and "that it will be filed . . ." Reporter Larson listed the dates of January 10 and March 6, 2000, on her stenographer's certificate filed December 13, 2004, and did not notify counsel or this Court until May 5, 2005, that she did not record those proceedings and therefore could not file the transcripts. The untimely nature of the notification has caused additional cost to the moving attorney to file motions and seek the correct reporter, as well as needless additional delay and cost to this Court.

Consequently, the Court orders that Reporter Larson reimburse Attorney Jasinski for the amounts charged and paid for the specified transcripts. Reporter Larson shall also reimburse Attorney Jasinski the amount of \$200, which is the cost of two of the motions filed in regard to obtaining the timely filing of these transcripts. In addition, Reporter Larson shall pay to this Court the sum of \$50 toward the additional costs needed to process this appeal because of her negligence. Reporter Larson is ordered to pay the stated amounts to Attorney Jasinski and this Court before June 13, 2005, or personally appear before the court on June 27, 2005, at 11:30 a.m. in the courtroom on the Second Floor, Hall of Justice, 925 West Ottawa Street, Lansing, Michigan, to explain why the reporter should not be held in contempt of this Court.

The Court orders that the motion to extend time to file the additional transcripts is treated as a motion to extend time to order the transcripts, and is GRANTED. The transcripts ordered on May 9, 2005, from Reporter Carmody are considered timely ordered. Attorney Jasinski shall assure that a stenographer's certificate for those dates is filed in this Court within 14 days of the certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 17 2005

Date

Sandra Schultz Mengel
Chief Clerk